

TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, and part 20, Title 50, Code of Federal Regulations, as amended July 21, 1987, 52 Fed. Reg. 27352, proposes to amend sections 502 and 507(c), Title 14, California Code of Regulations, relating to Waterfowl, Migratory; American Coot and Common Moorhen (Common Gallinule), Prohibition on Electronic or Mechanically-operated Devices and Nontoxic Shot Requirement for Waterfowl, American Coot and Common Moorhen Hunting.

Informative Digest/Policy Statement Overview

Section 502, Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. These five proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 26, 2002. The Service will consider these and other recommendations at their meeting on August 1, 2002.

1. Lengthen the white-fronted and cackling Canada goose hunting season in the Northeastern California Zone

The existing regulations in 502(d)(1)(A) and 502(d)(1)(B) restrict the days of hunting for white-fronted and cackling Canada geese in the Northeastern California Zone to the first 44 days of the 100 day goose season. The proposed change would eliminate this restriction.
2. Lengthen the goose hunting season in the Balance of State Zone from 79 to 86 days.

The existing regulations in 502(d)(5)(A) and 502(d)(5)(B) establish a 79 day goose season in the Balance of State Zone. The proposed change would increase the season length to 86 days.
3. Remove the prohibition on the take of Canada geese in Humboldt and Del Norte counties and allow a 5 day season.

The existing regulations in 502(d)(5)(D)1. prohibit the take of Canada geese in Humboldt and Del Norte counties during the entire Balance of State Zone goose hunting season. The proposed change would provide for a 5 day season with a daily bag limit of 1 Canada goose.
4. Create a new Special Management Area in the Southern California Zone to allow a longer white goose hunting season in that Area. The existing regulations in 502(d)(5)(D) establish Special Management Areas where hunting regulations differ from the general regulations in the specific hunting zone. The proposed change would create a new Special Management Area in which the white goose hunting season would extend later than the existing goose hunting season dates in the Southern California Zone.

5. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and allow the take of Canada geese during the Balance of State Zone goose hunting season in this Special Management Area.

Section 507(c), relating to Prohibition on Electronic or Mechanically-operated Devices.

Existing regulation in Section 507(c), Title 14 California Code of Regulations (CCR) prohibits the use of electronic or mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl between the start of the waterfowl season and December 1. Existing regulation in Section 1.41 Title 14 CCR specifies that dates of seasons and closures are inclusive. The proposed change would clarify the intent of section 507(c) to prohibit the use of mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl prior to December. The proposed clarification would specify that the use of mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl would be prohibited through November 30.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Hall, City Council Chambers, 990 Palm Street, San Luis Obispo, California on Friday, August 2, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Elihu Harris State Building, 1st Floor Auditorium, 1515 Clay Street, Oakland, California on Saturday, August 30, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 23, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 30, 2002, at the hearing in Oakland, CA. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding address or phone number. Dan Yparraguirre, Waterfowl/Migratory Bird Program, Department of Fish and Game, phone (916) 445-3685, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will

exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (1) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:
 - (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. Our experience has shown that additional recreational opportunity has a neutral economic impact on businesses.
 - (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
 - (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
 - (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
 - (e) Nondiscretionary Costs/Savings to Local Agencies: None.
 - (f) Programs mandated on Local Agencies or School Districts: None.
 - (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
 - (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: July 2, 2002

John M. Duffy
Assistant Executive Director